

REMARKS

Introduction

Claims 1 through 17 were originally pending in this application. In response to the October 4, 2004 Office Action, claims 1 through 4, 8 through 12, 15 and 17 have been amended and claim 16 has been cancelled. No new matter has been added. Accordingly, claims 1 through 15 and 17 are presently pending for consideration in this application.

Drawing Objection

Figure 7 has been objected to because it “includes a leader line without an associated reference character.” As such, a replacement sheet including an amended Figure 7 is submitted herewith on a separate replacement drawing sheet as an attachment. The leader line without an associated reference character has been removed. Thus, applicants respectfully submit that the Examiner’s objection to the drawings has been overcome.

Objections to Specification

The Examiner objected to the abstract of the present application because it included reference to the “invention” in a manner not in compliance with MPEP § 608.01(b). Applicants have amended the abstract and have eliminated reference to the “invention.” Applicants respectfully submit that the abstract, as amended, complies with standards set forth in MPEP § 608.01(b). Thus, applicants respectfully request that the Examiner’s objection be withdrawn at this time.

Objections to the Claims

The claims were objected to because they were not numbered in accordance with 37 CFR 1.126. The Examiner indicated that “[m]isnumbered claims 14-17 have been renumbered as claims 12-15.” Applicants have numbered the claims herein according to the Examiner’s renumbering.

The Examiner also objected to the claims because “grammatical and/or spelling errors are present throughout.” Applicants have amended the claims to correct inadvertent grammatical and/or spelling errors therein. Specifically, line 4 of claim 1 was amended to replace the semicolon with a comma to thereby correct the typographical error. Line 7 of claim 1 was amended to include the word “an” before “upper” for proper antecedent support, and line 7 of claim 1 was amended to include the word “a” before the word “back” for proper antecedent support. Line 2 of claim 2 was amended to replace the word “are” with “is” to correct the typographical error. Line 3 of claim 2 was amended to include the word “said” before the word “back” to correct the omission. Line 4 of claim 2 was amended to replace a semicolon with a comma to correct the typographical error, line 4 of claim 2 was amended to replace the word “bind” with the word “binding” to correct the grammatical error, and line 4 of claim 2 was amended to include the word “said” before the word “back” to correct the omission. Line 3 of claim 3 was amended to include the word “said” before the word “back” to correct the omission, and line 4 of claim 3 was amended to include the word “passenger” before the word “seat” such that claim 3 corresponds with base claim 1. Line 4 of claim 4 was amended to include the word “said” before the word “back” to correct the omission, and line 4 of claim 4 was amended to include the words “motor vehicle passenger” before the word “seat” such that claim 4 corresponds with base claim 1. Line 6 of claim 9 was amended to include the word “an” before the word “upper” and the word “a” before the word “back” to correct the omissions. Line 8 of claim 9 was amended to include the phrase “a plurality of” before the word “head” for proper

antecedent support. Line 3 of claim 10 was amended to include the word “said” before the word “back” to correct the omission. Line 4 of claim 10 was amended to replace the word “seat” with the phrase “passenger seat” such that claim 10 corresponds with base claim 9, and line 4 of claim 10 was amended to replace the word “binds” with the word “binding” to correct the grammatical error. Line 3 of claim 11 was amended to replace the word “are” with the word “is” to correct the grammatical error. Line 3 of claim 11 was amended to include the word “said” before the word “back” to correct the omission. Line 4 of claim 11 was amended to replace the semicolon with a comma to correct the typographical error, and line 4 of claim 11 was amended to replace the word “comprises” with “comprising” to correct the grammatical error. Line 3 of claim 12 was amended to include the word “said” before the word “back” to correct the omission. Line 4 of claim 12 was amended to replace the phrase “passenger seat of motor vehicle” with the phrase “motor vehicle passenger seat” such that claim 12 corresponds with base claim 9. Line 5 of claim 15 was amended to replace the word “the” with the word “an” for proper antecedent support. Applicants respectfully submit that the claims no longer contain grammatical or spelling errors. Accordingly, applicants respectfully request reconsideration of the Examiner’s objections of the claims.

Rejections of Claims

35 U.S.C. § 112

Claims 8 and 15 through 17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In regard to claim 8, the Examiner stated that “‘said springs’ is indefinite since it appears that only one spring has been positively set forth.” Applicants have amended claim 8 by deleting the word “springs” and including the word “spring.” As such, applicants respectfully submit that claim

8 is no longer indefinite and request reconsideration of the rejection of claim 8 under 35 U.S.C. § 112.

The Examiner also indicated that it is “unclear from the language of claim 15 whether applicants intend to define a method or article claim.” Applicants have amended claim 15 to more particularly define the invention. Claim 15, as amended, is directed toward a “head restraint guide” and each limitation is structural in nature. Support for the amendment can be found in the specification at page 9, lines 5 through 16, and in Figures 8 through 14. As such, no new matter has been added. Claim 16 has been cancelled. Also, claim 17, as amended, is directed toward a “head restraint guide” with limitations that are structural in nature. Thus, applicants respectfully submit that claims 15 and 17, as amended, are each clearly directed toward an article and not toward a method. Accordingly, applicants respectfully request reconsideration of the rejection of claims 15 and 17 under 35 U.S.C. § 112.

35 U.S.C. § 102(b)

Claims 15 through 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,788,250 to Masters et al. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claim 15 has been amended to more particularly describe the invention. Support for the amendment to independent claim 15 can be found, for example, at page 9, lines 5 through 16, and in Figures 8 through 14. As such, no new matter has been added. Applicants respectfully submit that the invention described in independent claim 15, as amended, is not disclosed or suggested by the Masters et al. ‘250 patent. Accordingly, the rejections based on 35 U.S.C. § 102(b) are respectfully traversed.

The Masters et al. '250 Patent

The Masters et al. '250 patent discloses a tubular bushing 26 disposed in an opening 24 of a seat back 14 for supporting posts 22 of a headrest 20. The bushing 26 includes an outer sleeve 28 with ribs 32, 34 for engaging the opening 24. The bushing 26 also includes an inner sleeve 30 that is inserted within the outer sleeve 28. (Col. 2, ll. 18-26). The inner sleeve 30 is axially aligned with the outer sleeve 28 for insertion. The inner sleeve 30 includes a head portion 42 with an axis that is aligned with the axis of the outer sleeve 28 during insertion of the inner sleeve 30. (Col. 2, ll. 39-41 and Figs. 2-5). However, the Masters et al. '250 patent does ***not*** disclose or suggest a stem with tracks adapted to guide installation of a bezel assembly at a ***positive angle*** relative to the stem.

The Head Restraint Guide of the Present Invention

In contradistinction, amended independent claim 15 clarifies the invention claimed as a head restraint guide that includes a stem with tracks. The stem is installed into an upper cross member of a back frame of a passenger seat in a motor vehicle. The head restraint guide also includes a bezel assembly adapted for installation in the stem. The tracks are adapted to guide installation of the bezel assembly at a positive angle relative to the stem, thereby ensuring proper alignment of the bezel assembly.

Argument

Applicants respectfully submit that the helical head restraint of claim 15 is not disclosed or suggested by the Masters et al. '250 patent. Specifically, the Masters et al. '250 patent merely discloses a tubular bushing with an outer sleeve and an inner sleeve with a head portion, wherein the inner sleeve is aligned axially with the outer sleeve during insertion into the outer sleeve. As such, the head portion is aligned with the axis of the outer sleeve when the inner sleeve is inserted into the

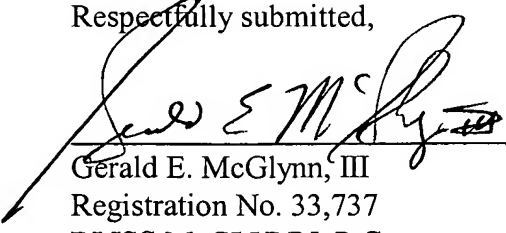
outer sleeve. In other words, the head portion is disposed at a zero degree angle with respect to the outer sleeve when the inner sleeve is inserted into the outer sleeve. The Masters et al. '250 patent fails to disclose a stem with tracks adapted to guide installation of a bezel assembly at a *positive angle* relative to the stem. Therefore, it is respectfully submitted that claim 15 is allowable over the rejections under 35 U.S.C. § 102(b). Claims 17 is dependent upon claim 15 and adds perfecting limitations. Therefore, it is respectfully submitted that claims 15 and 17 are each allowable over the rejections under 35 U.S.C. § 102(b).

The Examiner indicated that claims 1 - 7 and 9 - 14 are in condition for allowance, and that claim 8 would be in condition for allowance if rewritten to overcome the rejection under 35 U.S.C. § 112. Applicants have rewritten claim 8 to overcome this rejection under 35 U.S.C. § 112. Thus, applicants respectfully submit that claims 1 - 14 are also in condition for allowance.

Conclusion

In view of the above, applicants respectfully submit that the claims clearly distinguish over the prior art and are therefore allowable. Accordingly, applicants respectfully solicit the allowance of the claims pending in this case.

Respectfully submitted,



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